IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

JOHN F. CORCOBAN, CLERK BY:

JUN 17 2009

UNITED STATES OF AMERICA,)	Criminal Action No. 5:05cr00007-6
v.)	2255 FINAL ORDER
DEWAYNE ANTHONY SHIFFLETT.)))	By: Samuel G. Wilson United States District Judge

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED and **ADJUDGED**

that Shifflett's letter is **CONSTRUED** as a motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255; the Clerk is **DIRECTED** to docket Shifflett's letter, under seal, as a § 2255 motion; the § 2255 motion shall be and hereby is **DISMISSED** without prejudice as successive; and the case is hereby **STRICKEN** from the active docket.

The Clerk is directed to send copies of this Order and the accompanying Memorandum Opinion to the parties. The Clerk is further directed to send a copy of Shifflett's letter to the United States.

ENTER: This 17th day of June, 2009.

United States District Judge